

EXTENSION OF RETROACTIVE ELIGIBILITY DATES FOR FINANCIAL AS-
SISTANCE FOR HIGHER EDUCATION FOR SPOUSES AND CHILDREN OF
FEDERAL LAW ENFORCEMENT OFFICERS AND PUBLIC SAFETY OFFI-
CERS KILLED IN THE LINE OF DUTY

JULY 27, 2000.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. HYDE, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 2059]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill
(H.R. 2059) amending the Omnibus Crime Control and Safe Streets
Act of 1968 to extend the retroactive eligibility dates for financial
assistance for higher education for spouses and dependent children
of Federal, State, and local law enforcement officers who are killed
in the line of duty, having considered the same, reports favorably
thereon with an amendment and recommends that the bill as
amended do pass.

TABLE OF CONTENTS

The Amendment	<i>Page</i> 2
Purpose and Summary	2
Background and Need for the Legislation	2
Committee Consideration	3
Vote of the Committee	3
Committee Oversight Findings	3
Committee on Government Reform Findings	3
New Budget Authority and Tax Expenditures	3
Congressional Budget Office Cost Estimate	3
Constitutional Authority Statement	6

Section-by-Section Analysis and Discussion	6
Changes in Existing Law Made by the Bill, as Reported	6

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF RETROACTIVE ELIGIBILITY DATES FOR FINANCIAL ASSISTANCE FOR HIGHER EDUCATION FOR SPOUSES AND CHILDREN OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY.

(a) IN GENERAL.—Section 1216(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796d–5(a)) is amended—

- (1) by striking “May 1, 1992,” and inserting “January 1, 1978,”; and
- (2) by striking “October 1, 1997,” and inserting “January 1, 1978,”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect October 1, 1999.

PURPOSE AND SUMMARY

The purpose of H.R. 2059 is to amend the Federal Law Enforcement Dependents Assistance Act of 1996 (42 U.S.C. § 3796d–5(a)) to extend the retroactive eligibility dates for financial assistance for higher education to the spouses and dependent children of Federal, State, and local law enforcement officers killed in the line of duty. Current law provides that the dependents of Federal law enforcement officers killed in the line of duty after May 1, 1992, are eligible for this assistance. Dependents of State and local public safety officers killed in the line of duty after October 1, 1997, are also eligible. This legislation will move the eligibility dates farther back in time to make more dependents eligible. For Federal law enforcement officers and State and local public safety officers, the dates will be changed to January 1, 1978.

BACKGROUND AND NEED FOR THE LEGISLATION

In 1996, Congress amended Part L of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3796 *et. seq.*) by passing the Federal Law Enforcement Dependents Assistance Act. The Act was in response to several fatal shootings of Federal law enforcement officers in the early 1990’s, which left surviving spouses and children in difficult financial circumstances, without the means to pursue higher education. It provided that the Attorney General could extend benefits to pursue higher education to the dependents of Federal law enforcement officers killed or permanently disabled in the line of duty. The act included a “special rule” of retroactive eligibility to receive educational benefits for the dependents of Federal law enforcement officers killed in the line of duty on or after May 1, 1992. By its terms, the retroactive eligibility clause did not cover the dependents of Federal law enforcement officers permanently disabled in the line of duty. The act was amended in 1998 to offer educational benefits to the dependents of State and local public safety officers killed or permanently disabled in the line of duty, and that amendment included retroactive eligibility for the dependents of public safety officers killed in the line of duty on or after October 1, 1997.

Unfortunately, the somewhat arbitrary choice of dates to qualify for benefits has excluded deserving dependents from participating in the program. H.R. 2059 would correct this inequity by 1) making the retroactive eligibility dates to receive benefits for higher education the same for both Federal law enforcement officers and pub-

lic safety officers, and 2) by moving the eligibility dates farther back in time to make it possible for more young people to pursue higher education.

To date, the cost of providing educational benefits to dependents of officers killed in the line of duty has been surprisingly modest. For example, the Department of Justice reports that for fiscal year 1999, only eight survivors of Federal agents were paid a total of \$44,036 in benefits, while no State and local survivors received benefits. The Congressional Budget Office estimates that extending retroactive eligibility would cost the Government an additional \$14 million over fiscal years 2000 through 2005 and about \$24 million over the next 10 years.

COMMITTEE CONSIDERATION

On July 11, 2000, the Committee on the Judiciary met in open session and ordered reported favorably the bill H.R. 2059, as amended, by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

Mr. Chabot offered an amendment to make the dates for retroactive eligibility to receive educational benefits the same for both Federal law enforcement officers and public safety officers, the proposed new date being January 1, 1978. The amendment was adopted by voice vote.

Vote on final passage: passed by voice vote.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the committee reports that the findings and recommendations of the committee, based in oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 3(c)(4) of rule XIII of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the committee sets forth, with respect to the bill H.R. 2059, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 17, 2000.

Hon. HENRY J. HYDE, *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2059, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of federal, state, and local law enforcement officers who are killed in the line of duty.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

DAN L. CRIPPEN, *Director.*

Enclosure

cc:

Honorable John Conyers Jr.
Ranking Democratic Member

H.R. 2059—A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of federal, state, and local law enforcement officers who are killed in the line of duty.

SUMMARY

Under current law, the spouses and children of public safety officers killed or permanently disabled in the line of duty are eligible to receive financial assistance for higher education. However, this assistance is available only to dependents of federal law enforcement officers who were killed or disabled on or after May 1, 1992, and to dependents of other public safety officers who were killed or disabled on or after October 1, 1997. H.R. 2059 would extend both of these cutoff dates back to January 1, 1978. CBO estimates that the bill would authorize the appropriation of \$15 million over fiscal years 2000 through 2005 to provide educational assistance to dependents who would become eligible under this bill.

Enacting H.R. 2059 would not affect direct spending or receipts, so pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 2059 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

By fiscal year, in millions of dollars

	2000	2001	2002	2003	2004	2005
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	0	2	2	4	4	3
Estimated Outlay	0	2	2	4	4	3

BASIS OF ESTIMATE

For the purposes of this estimate, CBO assumes that the bill will be enacted by the end of fiscal year 2000, and that payments to eligible spouses and children would begin in 2001. Based on the ages of dependents that would become eligible for assistance under this legislation, we expect that they would apply for financial assistance over the next 20 years, with most doing so by 2010. We estimate that H.R. 2059 would authorize the appropriation of \$15 million over the 2001–2005 period and about \$24 million over the next 10 years.

According to the Department of Justice (DOJ), about 4,100 federal law enforcement officers and other public safety officers were killed or permanently disabled in the line of duty during the 19-year period of eligibility for education benefits that would be added by H.R. 2059. Spouses and children of these officers number about 2,900 and 3,400, respectively. All of the spouses, but only children under the age of 27, would be eligible for educational assistance under H.R. 2059, with the children of public safety officers expected to comprise the majority of beneficiaries. We estimate current or future students could receive payments of about \$3,600 per year (in 2000 dollars), while dependents who have completed their education could receive a retroactive lump-sum payment of about \$15,000.

Since the educational assistance program began in 1997 for dependents of federal law enforcement officers, about 50 percent of federal college-age dependents have received assistance. This program began in 1999 for dependents of other public safety officers, and less than 5 percent of eligible college-age dependents have received educational assistance thus far. Based on information from DOJ, we expect nonfederal participation to approach 50 percent as the program's visibility grows and as more children complete high school. However, CBO expects that participation by dependents under H.R. 2059 would be lower because some dependents are already 27 years old or older, and thus would not be eligible for assistance. CBO estimates that roughly 40 percent of the children and 10 percent of the spouses, or about 1,700 individuals, eventually could receive financial assistance for higher education under H.R. 2059.

PAY-AS-YOU-GO CONSIDERATIONS:

None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 2059 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

PREVIOUS CBO ESTIMATE

On March 29, 2000, CBO transmitted a cost estimate for S. 1638, as reported by the Senate Committee on the Judiciary on February 10, 2000. The two pieces of legislation are very similar and the cost estimates are identical.

ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz (226–2860)
Impact on State, Local, and Tribal Governments: Shelley Finlayson (225–3220)

IMPACT ON THE PRIVATE SECTOR: JOHN HARRIS (226–2940)

ESTIMATE APPROVED BY:

Peter H. Fontaine
Deputy Assistant Director for Budget Analysis

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to 3(d)(1) of rule XIII of the Rules of the House of Representatives, the committee finds the authority for this legislation in Article I, section 8 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Sec. 1. Extension of Retroactive Eligibility Dates for Financial Assistance for Higher Education for Spouses and Children of Law Enforcement Officers Killed in the Line of Duty.

This section would amend section 1216(a) of the Omnibus Crime Control and Safe Streets Act of 1968 to provide that the date of retroactive eligibility to receive financial assistance for higher education for the dependents of Federal law enforcement officers and public safety officers killed in the line of duty will be January 1, 1978.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

**SECTION 1216 OF THE OMNIBUS CRIME CONTROL AND
SAFE STREETS ACT OF 1968**

SEC. 1216. SPECIAL RULE.

(a) **RETROACTIVE ELIGIBILITY.**—Notwithstanding any other provision of law, each dependent of a Federal law enforcement officer killed in the line of duty on or after [May 1, 1992,] *January 1, 1978*, and each dependent of a public safety officer killed in the line of duty on or after [October 1, 1997,] *January 1, 1978*, shall be eli-

gible for assistance under this subpart, subject to the other limitations of this subpart.

* * * * *

